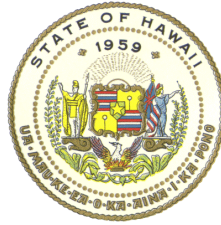


DAVID Y. IGE
GOVERNOR OF HAWAII



SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

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FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHO'OLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

STATE HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING
601 KAMOKILA BLVD, STE 555
KAPOLEI, HAWAII 96707

**MINUTES
HAWAI'I ISLAND BURIAL COUNCIL MEETING**

**DATE: Thursday, February 18, 2021
TIME: 9:30 AM – 1:30 PM
PLACE: Online via Zoom**

Zoom Meeting Link:

<https://us02web.zoom.us/j/84739921463?pwd=NVAwQjhzMDhUM3BBT3A5U04rdVhZOT09>

**Meeting ID: 847 3992 1463
Passcode: 9LDtei**

*****Audio Recording at <https://dlnr.hawaii.gov/shpd/about/branches/ibc/meetings/>*****

- HIBC Members:**
- Present:**
 - Chair Nālei Pate-Kahakalau (Hāmākua)
 - Vice-Chair Kalena Blakemore (Puna)
 - Member Norman Ka'imuloa (Kona)
 - Member Scott Mahoney (Ka'ū)
 - Member Waiola Higa (Hāmākua)
 - Member Desmon Haumea (Ka'ū)
 - Member Clifford Kapono (Hilo)
- SHPD Staff:**
- Kea Calpito, Burial Sites Specialist
 - Chris Omerod, Burial Sites Specialist
 - Hinano Rodrigues, History & Culture Branch Chief
 - Ka'ahiki Solis, Cultural Historian
 - Nicole Mello, Archaeologist IV
 - Linda Chow, Deputy Attorney General (Attorney General's Office)
- Guests:**
- Lokelani Brandt, ASM Affiliates, Inc. (IV.A.)
 - Keone Kalawe
 - Angela Neller
 - Keoni Fox

I. CALL TO ORDER

Chair Kahakalau calls to order the meeting at 9:34 A.M.

II. ROLL CALL/PULE

Member Higa conducts pule.

Nālei Pate-Kahakalau, Clifford Kaponu, Waiola Higa, Norman Ka'imulua, Desmon Haumea, Scott Mahoney, Kalena Blakemore

III. MINUTES

A. Approval of the Minutes for January 21, 2021.

Summary:

Recording: 02:15 – 04:15

- **Motion and vote at 03:10**

MOTION: To approve the minutes
MOVED BY: Member Haumea
2ND BY: Member Higa
VOTE: Motion carried unanimously

IV. BUSINESS

A. DRAFT Burial Treatment Plan for SIHP Site 50-10-28-30865, Kealakehe Ahupua'a, North Kona District, Island of Hawai'i, TMK: (3) 7-4-009:072

Information/Discussion: Information and discussion on the above DRAFT BTP.

Summary:

Recording: 04:25 – 42:10

- Lokelani Brandt (05:00, 20:20, 23:00, 30:55)
- Member Kaponu (13:20, 24:55, 39:00)
- Member Mahoney (18:45, 28:00)
- Vice-Chair Blakemore (18:30, 33:45)
- Member Higa (22:10)
- Hinano Rodrigues (30:20)
- Member Ka'imulua (31:20)
- Chair Kahakalau (33:50)
- D.AG. Chow (40:40)

- Project introduction and background
- Buffer wall
- AIS and inadvertent discoveries
- Signage
- Audit provision
- Landowner attendance
- Access

- Requested Detailed Comments:
 - Hinano Rodrigues

- *You guys are entitled to see the accepted or approved AIS before you will eventually make a determination to preserve in place or relocate. It is a provision within the rules that you guys have access to the AIS.*
- D.AG. Chow
 - *It depends on the scope of the agency as far as what they're allowed to represent or to bind their principle to but as long as the agency is such that they are authorized to represent the landowner at these types of meeting then that's perfectly acceptable, the landowner does not need to show up, however, I believe that Kalena's request was not made so much as a formal contractual thing but a, based on a relationship type of situation where they want to have an actual relationship with the landowner, to see the landowner, and to be able to talk to the landowner, it's not a legal requirement but it is something they are requesting which they're authorized to do.*

**B. Discussion on Hawai'i Island Burial Council Membership, Roles, and Responsibilities.
Information/Discussion:** Discussion on the above item. Presentation by Hinano Rodrigues.

The Council may elect to go into executive session pursuant to HRS §92-5(a)(4), to consult with the council's attorney on questions and issues pertaining to the council's powers, duties, privileges, immunities, and liabilities.

Summary:

Recording: 42:15 – 01:34:55

- Hinano Rodrigues (42:30, 56:55, 58:60, 01:15:15)
- D.AG. Chow (44:55, 01:00:55, 01:06:45, 01:26:35)
- Member Mahoney (45:45, 56:50)
- Vice-Chair Blakemore and Chair Kahakalau (48:50 – 56:30)
- Member Kapono (58:30, 01:03:10, 01:08:00)
- Vice-Chair Blakemore (01:03:55)
- Member Haumea (01:11:20, 01:27:45)
- Member Ka'imuloa (01:14:40)
- Kea (01:17:00, 01:23:25)
- Keone Kalawe (01:20:40, 01:24:40)
- Chair Kahakalau (01:33:10)
- HAR §13-300-24 to 28
- OIP and Ethics training
- Statewide inventory
- Burial data
- Inadvertent discoveries
- Hānai and lineal descendance
- Returning to in-person meetings
- Kumukahi information
- Practice of hānai in Puna
- Requested Detailed Comments:

- Hinano Rodrigues
 - *The statewide inventory actually consist of all the burial with assigned SIHP numbers so for the most part all the burials have GPS and is in the GIS system so at this point in time that is the inventory.*
- D.AG. Chow
 - *Previously identified, under the rules refers to burials that are found as part of an AIS, and anything that is not found through the AIS process is considered inadvertents.*
 - *The Hawaiian tradition of hānai'ing children is recognized in the law and there is some case law for it, unfortunately I have to say I am not that well versed except to say that I know I it is recognized as being similar or the same as having an adopted child and they are recognized as being part of the family so that's something that we could possibly work with SHPD and look at other law outside of the burial laws to see if there would be some way to reconcile those two cultural traditions with the law as it's stated. Kea, if you can remember to send that question over to us, we can look into it and see what we can come up with as far an answer regarding whether or not that type of relationship would qualify for recognition as a lineal.*
 - *Send a request to me so that either myself or I can assign it to somebody to do some research into this and then we should have a discussion with us and SHPD because part of it will require a cultural component as well as legal component to it and obviously we have to rely on you guys for a cultural component so my suggestion is also try to get as much background as you can on the hānai tradition in that area if it's different than in other areas then we can discuss it.*

V. INADVERTENTS/COMMUNICATIONS

- A. Inadvertent Discovery of Unidentified Human Skeletal Remains Encountered on January 23, 2021, on Land Managed by the Department of Hawaiian Home Lands at South Point, Kamā'oa Ahupua'a, Ka'ū District, Island of Hawai'i, TMK: (3) 9-3-001:003.**
Notification/Discussion: Notification and discussion on the above inadvertent discovery.

Summary:

Recording: 01:35:00 – 01:51:25

- Kea (01:35:40, 01:39:55, 01:49:00)
- Member Kapono (01:37:45, 01:48:00, 01:50:40)
- D.AG. Chow (01:38:40, 01:40:50)
- Member Mahoney (01:42:10, 01:46:10)
- Vice-Chair Blakemore (01:45:00)
- NAGPRA
- Hawaiian Homes Commission Act
- DHHL protocol to deal with iwi

- B. Letter from the Hawai'i Army National Guard, dated January 20, 2021, RE: Section 106 (NHPA)/HRS 6E-8 Consultation and Request for Concurrence with a Determination of No Adverse Effect to Historic Properties for the Proposed Demolition of Building 522 at**

the Hawai'i Army National Guard Keaukaha Military Reservation Facility, Waiākea Ahupua'a, South Hilo District, Hawai'i, TMK: (3) 2-1-012:003.

Notification/Discussion: Notification and discussion on the above correspondence.

Summary:

Recording: 01:51:30 – 01:53:00

- Kea (01:52:20)
- *Unrelated discussion regarding Ka'ū (01:53:45 – 02:00:00)*

VI. ANNOUNCEMENTS

A. The Next HIBC Meeting is Thursday, March 18, 2021, 9:30 A.M. Location TBD.

VII. ADJOURNMENT

Meeting adjourns at 11:39 A.M.

*****THE ABOVE MINUTES WERE APPROVED AT THE 03/18/2021 HIBC MEETING*****

Pursuant to §92-3 Hawai'i Revised Statutes (HRS), all interested persons shall be afforded an opportunity to present oral testimony or submit data, views, or arguments, in writing on any agenda item. Additionally, pursuant to a policy adopted by the Hawai'i Island Burial Council at its November 17, 2005 meeting, oral testimony for items listed on the agenda is limited to three minutes per person, per agenda item.

Pursuant to §92-4, §92-5(a)(8), and §6E-43.5 HRS, and upon compliance with the procedures set forth in §92-4, HRS, the council may go into a closed meeting to consider information that involves the location or description of a burial site.

Pursuant to §92-2.5(d) HRS, if a meeting must be cancelled due to lack of quorum, the present council members may elect to continue to receive testimony and presentations on items on the agenda.

A request to be placed on a burial council meeting agenda must be made with the Burial Sites Program staff at least two weeks preceding the scheduled meeting date. In addition, the request must be accompanied by all related documents. Failure to comply with this procedure will delay the item to the following month's agenda.

Materials related to items on the agenda are available for review at the State Historic Preservation Division located at 40 Po'okela St., Hilo, HI 96720. Individuals requiring special assistance or auxiliary aids or services (e.g., sign language interpreter, wheelchair accessibility, or parking designated for the disabled) at the HIBC meeting, please contact staff at least 72-hours prior to the meeting at (808) 933-7653 so that arrangements can be made.